THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 16717 of 2006

07-09-2006

Between:-

E. Venkata Krishnaiah

Petitioner

And

The Assistant Commissioner of Endowments, Nellore, Nellore district and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 16717 of 2006

Oral order:

The writ petition is misconceived. It assails the public auction notice issued by the 2nd respondent for conducting an auction of the lands belonging to Sri Talpagiri Ranganathaswami Temple, Nellore for grant of leasehold rights of the lands in question.

The petitioner claims to be a landless poor person belonging to Scheduled Caste community and to being a cultivating tenant of an extent of Ac.01-90 cents in survey Nos. 356, 359 and 361 situate at South Amaluru village, T.P. Guduru Mandal, Nellore district, belonging to the temple. The writ petition is silent as to when the lease was entered into; when renewed on the last occasion and when the previous lease expired or would expire. On a

query from this court, the learned counsel for the petitioner states that the petitioner is a lessee on the basis of an oral lease granted by the respondents which is being renewed from time to time.

The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') and the relevant Rules issued thereunder i.e., The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Leases of Agricultural Land Rules, 2003 issued in G.O.Ms.No. 379 Revenue (Endowments.I) dated 11-03-2003 (for short 'the Rules') do not recognize any power or authority of any officer including the 2nd respondent to grant an oral lease of lands of Temples/Devastanams. In the absence of any lawful lease entered into between the petitioner and the Temple and by following the due procedure ordained by the Rules, the petitioner must be considered a mere encroacher. Encroachers are not entitled to the benefits accorded to landless poor persons under Section 82 of the Act.

On the aforesaid analysis, the petitioner has no legal rights, which are affected by the impugned auction notice issued by the 2nd respondent. There are no merits in the writ petition. The writ petition is accordingly dismissed. No costs.

GODA RAGHURAM, J

Dated:07-09-2006
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